

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In re)	
)	MB Docket No. 18-119
AMENDMENT OF PART 74 OF)	
THE COMMISSION'S RULES)	
REGARDING FM TRANSLATOR INTERFERENCE)	

To: The Office of the Secretary,
for the Attention of the Chief, Audio Division, Media Bureau

COMMENTS

LINDA C. CORSO, the Licensee of Commercial FM Radio Station KRDE, Channel 231C1, San Carlos, Arizona, FCC Facility ID No. 37577, by her communications counsel, hereby provides her Comments with respect to the Notice of Proposed Rule Making in this proceeding, 83 Fed. Reg. 26229 (published June 6, 2018) (the *NPRM*).

1. In the *NPRM*, the Commission proposes to amend § 74.1233(a)(1) of the Rules so as to allow an FM Translator to shift to any available FM channel as a minor change, upon a showing of interference to or from any other broadcast Station. The Commission tentatively agrees with the NAB that allowing such channel changes will provide more certainty to Translator licensees and will increase the reliability of radio service provided via Translators. The Commission seeks comment on this proposal, and on whether to impose any minimum technical requirements on such showings, e.g., an engineering statement.⁵⁶ (*NPRM* at Paras. 12-13.)

2. Ms. Corso opposes this proposal. The Commission adopted the existing constraints on proposed frequency shifts filed outside of filing windows for very good reasons: ones which remain fully valid. What's more, allowing frequency changes from one end of the Commercial FM Band to the other on a Translator permittee's mere allegation that it needs to move because of interference will encourage the kind of hop-scotch gamesmanship that is all too familiar in the portion of the country where Ms. Corso's Station provides service. Full-service licenses would

have to expend scarce resources on continuously monitoring for filings of applications that pose a threat of interference... resources that are better used to improve Station facilities and programming, both entertainment and nonentertainment. The Commission can better deal with this issue by continuing its existing policy of entertaining suitably supported and specific waiver requests on a case-by-case basis.

3. If the Commission is determined to implement this proposal, it must put rational limits on its availability. The Commission should require demonstrations of existing interference and of reduced interference potential, both in terms of area and population, using the applicable D/U ratios specified in § 74.1204 of the Commission's Rules. Further, Ms. Corso urges the Commission to impose a notification requirement, similar to the notification protocol followed in Broadcast Auxiliary frequency coordination, by which affected licensees and permittees of existing and already authorized Broadcast facilities are timely informed of contemplated or actual filings that, while not entailing prohibited contour overlap, nonetheless pose a foreseeable risk of interference to existing and authorized service. Such a requirement is in the interest of full-service licensees, of Translator licensees and permittees whose facilities, if constructed, may have to be substantially modified or even deconstructed due to interference that arises after construction and commencement of operation.

4. The Commission also proposes to require a showing that at least six listeners who are at separate locations and who use separate receivers will be, or have been, adversely affected by the proposed or actual operations of an FM Translator. (There is currently no required minimum number of cognizable adversely affected listeners.) The Commission also asks whether this number should be applied both in cases of theoretical interference and actual interference, and whether it should be adjusted, depending on the circumstances. (*NPRM* at Para. 16.)

5. Ms. Corso strongly objects to the adoption of such proposal. By their nature, FM Translator facilities are secondary. The Commission has always interpreted this to mean that an FM Translator is not allowed to create *any* interference to a full-service Station, and this is exactly the way that things should remain. Full-service FM Stations have localism requirements

that FM Translators do not have. Full-service FM Broadcast Stations must compete with a plethora of Broadcast and non-Broadcast program sources.

6. To now allow FM Translators to create new interference to full-service FM Broadcast Stations is inconsistent with the secondary nature of FM Translators, and it would hobble the quality of reception for which the FM Broadcast Service has always been known. It is well known in the mass media, including the publishing industry that, for every one person who writes a letter to the editor in response to a news story, there are at least ten others who feel similarly. It is reasonable to conclude that a similar effect exists with regard to broadcast interference. With the plethora of other programming sources available to the listening public today, it is quite possible that many listeners will simply tune to a different outlet rather than to invest the time and effort to lodge an interference complaint, especially if such complaints are subject to certain formalities if they are to carry any weight.

7. Every permittee and licensee of an FM Translator is, or should be, aware that its facility is of a secondary nature, and was, or should have been, aware of that secondary nature before applying for the facility in the first place. When it comes to balancing equities, the balance falls on the side of the full-service licensees and permittees, whose licenses and Construction Permits were granted under a licensing regime in which they were promised and accorded full protection from Translator interference. Indeed, weakening the protections that full-service authorization holders have previously been granted would work a wholesale and substantive adverse modification of granted licenses and permits in derogation of § 316 of the Communications Act.

8. In Para. 19 of the *NPRM*, the Commission seeks comment on the concept that, to be actionable, an interference complaint from a listener be signed and must contain other information, including that the complainant listens to the desired Station at least twice a month. In this age of email communications, it is anachronistic to require a physical signature. Indeed, the FCC does not require a physical signature on an electronically filed application for a Broadcast Construction Permit or License. The FCC should deem actionable email messages

from listeners , directed to the victim licensee or to the alleged source of interference, or to the Commission, if they provide the specifics set forth in the rest of Para. 19 of the *NPRM*.

9. Ms. Corso strongly urges the Commission to clarify, as proposed in Para. 20 of the *NPRM*: that the Commission will not take interference complaints solicited by the victim Station or presented in a standardized format, such as a list or a form letter, as evidence that a listener is impermissibly affiliated with the victim Station; and that the FCC also will not deem social media connections, such as listeners' friending or following a Station or its personnel on social-media platforms, evidence that a listener is impermissibly affiliated with the victim Station.

10. With respect to the *ex parte* issues that Para. 21 of the *NPRM* discusses, Ms. Corso urges that the Commission clearly establish that a station licensee filing an interference complaint or other request for relief is entitled to service of any amendment to an application against which the licensee or permittee has made such a filing, and to service of any application to modify an authorization against which the licensee has made such a filing. This will prevent gamesmanship involving switcheroo amendments and modification applications.

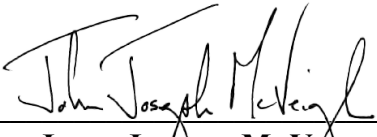
11. Ms. Corso also urges the Commission to keep listeners involved in the dispute-resolution process. (See Para 22 of the *NPRM*.) Especially in the case of actual interference, U/D showings based on the standard contour-prediction methodology are insufficient to conclusively demonstrate that interference no longer exists. This is because the standard prediction curves for service contain 50% probability factors, both in the temporal context and in terms of geographic distribution. Likewise, the curves for interference contain 50% and 10% probability factors. The variations are such that no one can conclusively rely on them to prove an assertion that actual interference no longer exists.

12. The Commission asks whether it should require the use of specific receivers in A/B Tests seeking to determine whether interference does not exist or has been eliminated. Ms. Corso urges that receivers with fixed i-f bandwidths be used in such tests. In recent years, receivers have become available with dynamic i=f bandwidth, in which i-f bandwidth is varied based on the presence of interfering signals on adjacent channels. Such receivers trade a certain degree of

fidelity for a certain degree of immunity from interference. Although such receivers may be effective, there are millions and millions of receivers in use (and others which are still for sale) that lack such capability. Receivers lacking such capability will remain in use for the foreseeable future, and they need to be used when trying to determine whether or not actual interference exists.

13. In Paras. 23 *et seq.* of the NPRM, the Commission seeks comment on identifying a signal strength beyond which an FM station may not claim interference to its listeners from an FM translator. In Para. 28, the Commission proposes to modify § 74.1203(a)(3) to state that no complaint of actual interference will be considered actionable if the alleged interference occurs outside the desired Station's 54 dB μ contour.

14. Ms. Corso strongly objects to this proposal. Ms. Corso's Station, KRDE, is located to the East of the Phoenix, Arizona metro, but the Station has sufficient facilities (particularly a substantial antenna height) and attractive programming such that a number of listeners beyond its 60-dB μ and 54-dB μ contours devotedly listen to the Station. It would be grossly unfair to those listeners to put them at risk of losing the service that they have enjoyed for many years. The Commission should leave well enough alone in this regard, and continue to protect a full-service Station's signal from Translator interference, regardless of the signal strength of the full-service Station's signal. This is particularly true in rural areas. After all, in prior years, the FCC used 50- μ V/m as the benchmark for rural FM Broadcast service!

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